Supreme Court, U. S.
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Nos. 75-964 and 75-965

In the Supreme Court of the United States

OCTOBER TERM, 1975

JAMES STRONG, et al., including
SENECA CAYUGA TRIBE OF OKLAHOMA
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent.

ON PETITIONS FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

JOINT MEMORANDUM OF WYANDOT TRIBE, SAGINAW CHIPPEWAS AND SHAWNEE TRIBE OPPOSING CERTIORARI

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February, 1976

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JAMES STRONG, et al., including
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On Petitions for a Writ of Certiorari
to the United States Court of Claims

JOINT MEMORANDUM OF WYANDOT TRIBE, SAGINAW CHIPPEWAS AND SHAWNEE TRIBE OPPOSING CERTIORARI

Wyandot Tribe (Ind. Cl. Com. Docket 139) and Saginaw Chippewas (Ind. Cl. Com. Docket 13–E) are respondents in Petition No. 75–964 and are two of the five Indian tribes which the Indian Claims Commission determined held recognized title to an undivided one–fifth interest

each in Royce Areas 53 and 54, which were ceded to the United States by the Fort Industry Treaty of July 4, 1805 (Petition No. 75–964, 30 Ind. Cl. Comm. 8, 21–22, 35–36, Pet. App. B, 20a, 35a–36a). The Court of Claims affirmed this determination of the Commission (Pet. App. A, 1a–2a).

Wyandot Tribe (Ind. Cl. Com. Docket 141) and Shawnee Tribe (Ind. Cl. Com. Docket 64–A) are respondents in Petition No. 75–965 and two of the four Indian tribes which the Indian Claims Commission determined held recognized title to designated undivided fractional interest each in Royce Area 87, which was ceded to the United States by the treaty of September 29, 1817 (Petition No. 75–965, 30 Ind. Cl. Com. 337, 353–354, 368–369, Pet. App. B, 21a–22a, 37a–38a). The Court of Claims affirmed this determination of the Commission (Pet. App. A, 1a–2a).

The statements of petitioner was prepared in disregard of the applicable principles of review that the evidence is to be viewed and construed favorably to the prevailing party below, and all reasonable inferences of which the evidence is fairly susceptible should be drawn in support of, and not against, the Judgment rendered below.

The cases do not warrant the attention of the court. They were decided upon the determination of questions of fact applicable only to the instant parties to resolve a single controversy. The decisions below conflict with nothing and establish no precedents. The questions the petitioner would present were fully considered and fairly decided below, and none other than the parties are interested in or affected by the judgment.

Accordingly, the petitions for a writ of certiorari should be denied.

Respectively submitted,

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